

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 45-63 are currently pending, with Claims 45 and 58-63 being independent.

Office Action Summary

Claims 45-55 and 58-63 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,246,313 to Sung et al. (hereinafter "Sung") in view of U.S. Publication No. 2004/0181550 to Warsta et al. (hereinafter "Warsta"); and Claims 56 and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sung in view of Warsta, further in view of U.S. Patent No. 6,993,553 to Kaneko et al. (hereinafter "Kaneko").

Rejection of Claims 45-55 and 58-63 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of Claims 45-55 and 58-63 under 35 U.S.C. § 103(a), and submit that the proposed combination of Sung and Warsta fails to teach or suggest all features recited in the independent claims, and is improper.

Briefly summarizing, Claim 45 recites a data processing device including an obtaining unit and a message editing and creating unit. The obtaining unit is configured to obtain first data. The first data includes a plurality of items of information including (1) message creation supporting information for guiding a user in inputting at least one of text, image, sound, and movie to be included in message data, and (2) message browsing information for presenting the message data for a user's perception. The message editing and creating unit is configured to edit the message browsing information included in the first data based on the information included in said message creation supporting information. Further, the message editing and creating unit is also configured to create second data including the plurality of items of the information including

the message creation supporting information and the edited message browsing information. Furthermore, each of the plurality of items of information included in the first and second data is a component of one or both of the message creation supporting information and the message browsing information.

The Office Action asserts that Sung describes many of the features recited in Claim 45, but concedes¹ that Sung lacks the message editing and creating unit configured to edit the message browsing information included in the first data based on the information included in said message creation supporting information and configured to create second data including the plurality of items of the information including the message creation supporting information and the edited message browsing information.

However, the Office Action asserts that Warsta allegedly cures the acknowledged deficiencies of Sung, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sung with the teachings of Warsta.

Applicants respectfully disagree, and submit that 1) Warsta does not teach or suggest a message editing and creating unit as recited in Claim 45; and 2) the proposed combination of Sung and Warsta is improper and contrary to the teachings of both Sung and Warsta.

1.) Warsta does not teach or suggest a message editing and creating unit as recited in Claim 45.

Warsta describes a system for **translating multimedia content from one format to another**, to accommodate limitations of a mobile terminal receiving the multimedia content. “Content adaptation generally refers to the manipulation of content to make the content suitable

¹ Office Action, page 3, lines 4-7.

for specific machines, devices, and applications.” (Warsta, [0003].) “Examples of content where agreement on format is desirable resides in the areas of audio, still images, vector graphics, video” (Id.) As illustrated in Fig. 1 of Warsta, content is “adapted” (i.e., formatted to an appropriate format) when a “workstation 102” generates content intended for “mobile terminals 116-122” that cannot receive the content in its original format. (Warsta, [0026].) More specifically, “content adaptation-A 112 may represent a reduction in quality of the graphical image, thus reducing the storage requirements....” (Warsta, [0027].)

The Office Action apparently interprets the translation of multimedia content from one format to another (e.g., GIF format to JPEG format) to correspond to the functions performed by the message editing and creating unit recited in Claim 45.² Such interpretation, however, is incorrect, because the message editing and creating unit *creates second data including the plurality of items of the information including the message creation supporting information and the edited message browsing information*. In contrast, the multimedia data translated into a new format, as described by Warsta, does not include **both** message creation supporting information **and** edited message browsing information. This distinction is also clear from the overall function of the message editing and creating unit recited in Claim 45, as it *edits the message browsing information* (included in the first data) and then *creates second data including ... message creation supporting information* (which was also present in the first data) *and the edited message browsing information*. Warsta describes nothing analogous to the recited unit creating *second data* (which includes both message creation supporting information **and** edited message browsing information), but at best describes edited (in format) multimedia content.

Therefore, Applicants respectfully submit that Warsta does not teach or suggest a

² “Fig. 5, para.004, creation to another format, e.g. second data.” Office Action, page 3, line 11.

message editing and creating unit as recited in Claim 45. Thus, Warsta fails to cure the acknowledged deficiencies of Sung, and the proposed combination of Sung and Warsta does not teach or suggest a data processing device including all features recited in Claim 45.

2.) The proposed combination of Sung and Warsta is improper

Sung describes an “impossibility of editing SMIL documents in mobile phone environments....” (Sung, col. 1, lines 54-55.) “[C]onventional methods of transmitting SMIL documents, i.e., multimedia data, have included undesirable steps of producing or editing SMIL documents in a PC and downloading the edited SMIL documents from the PC to a mobile phone.” (Sung, col. 1, lines 58-62.) Sung describes an approach to address those shortcomings, by describing an approach where **mobile terminals** (i.e., mobile phones) are used to author multimedia messages directly on the phone. It is abundantly clear from the overall description of Sung, that all processing (related to authoring multimedia messages) **is performed on mobile phones**.

In contrast to Sung, Warsta describes **adaptation servers**, which are clearly not mobile phones, but rather receive data from, and transmit data to mobile phone. (See, Figs. 1, 2, and 6.) Indeed, Warsta explicitly states that mobile phones lack processing power to perform the adaptation. “Given the limitations of the processing environment within mobile terminals, it is desirable that a reasonably small set of content formats be supported within mobile network offerings.” (Warsta, [0003].) It is thus clear that the adaptation (or translation between formats, as asserted by the Office Action) is performed in servers, but **not in mobile phones themselves**. Therefore, it would not have been obvious to one of ordinary skill in the art at the time of the invention to perform adaptation (which is performed in adaptation servers described by Warsta)

in a mobile phone as described by Sung. Further, such a combination would likely be inoperative at the time of the invention, given “the limitation of the processing environment within mobile terminals” described by Sung.

Accordingly, Applicants respectfully submit that the combination of Sung and Warsta proposed in the Office Action is not proper, and cannot be relied on to assert obviousness.

For at least the reasons noted above, Applicants respectfully submit that Claim 45 (and all associated dependent claims) patentably defines over any proper combination of the applied references. The above remarks also apply to independent Claims 58-63. Accordingly, Applicants respectfully request that the rejection of Claims 45-55 and 58-63 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 56 and 57 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of Claims 56 and 57 under 35 U.S.C. § 103(a), and submit that Kaneko fails to cure the deficiencies of the combination of Sung and Warsta noted above. Accordingly, Applicants respectfully request that the rejection of Claims 56 and 57 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George Dolina, Registration No. 63,654 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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